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REORGANIZING THE MASSACHUSETTS DEPARTMENT OF CONSERVATION

Introduction

This is the story of an unsuccessful effort in 1952 to reorganize the Department of Conservation in Massachusetts through legislative action. The attempt was made by the Special Commission on the Structure of the State Government, generally known in Massachusetts as the "Baby Hoover" Commission. Its failure raises questions as to whether the Commission, and especially its Executive Director, Thomas H. Eliot, erred in making decisions concerning both the proper organization of the Department and the use of tactics in the face of concerted opposition.

The situation in Massachusetts in 1952 was such as to make the kind of questions faced by the Commission of general applicability. The same type of problem may well confront reorganizers in other states at other times. Particular local factors, such as one-party domination or personal opposition to a Governor, were conveniently absent. Although it was established as the result of a message from Governor Paul A. Dever, a Democrat, and although Eliot, its first Executive Director, was a former Democratic Congressman, the Massachusetts Commission was bipartisan in composition and nonpartisan in spirit. To a degree that is praiseworthy and surprising, considering the hot party contest in the state (with the Democrats having a small majority in the House and the Republicans an even smaller one in the Senate), the Commission ignored considerations of partisan advantage. The Governor, while generally endorsing the Commission's aims, did not intervene strongly in behalf of any particular proposals. Thus the Commission lacked the benefit of vigorous political support, but at the same time escaped the handicap of partisan opposition. By 1952, after it had been at work for two years, the Baby Hoover Commission had won a fair measure of respect in the Legislature and a generally favorable press,

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and had made few enemies.\*

For the 1952 session of the Legislature, the Commission prepared reports on five major Departments, accompanying each one with legislation to carry out the recommendations in the report. Of these five Departments, the one which seemed most obviously in need of reorganization was the Department of Conservation. As the report began to take shape, in the summer and fall of 1951, it appeared to Eliot and his staff that it would be easy to make a persuasive case for reorganization. Only one organized group could be counted in the opposition, and if necessary, that group could be placated. Furthermore, unlike most Department heads, the Commissioner of Conservation himself was clearly in favor of having the Department reorganized along the lines suggested by Eliot and agreed upon by the Commission.

Yet, while other Baby Hoover bills prevailed over the bitter protests of Department heads, the reorganization of the Conservation Department was defeated in 1952. This study presents the story of that losing fight, analyzing the factors which produced defeat, and asking whether, had any one of a number of decisions been made differently, the result would have been victory.

#### The "Baby Hoover" Commission

The Massachusetts Commission, during the 1951-52 period considered here, consisted of 13 men, 4 of them Representatives and 4 Senators. Of the non-legislative members appointed by the Governor, one had been a Representative and 2 had served in both houses. The Commission was supposed to have 14 members, equally

\*In the 1952 session of the Legislature, out of 20 Baby Hoover bills, 10 were enacted. Several were "lost in the shuffle" at the end of the session, and were hastily referred back to the Commission for further study; aside from the Conservation measures discussed herein, the only major proposal rejected by the House of Representatives was one which would have attached the Massachusetts Commission Against Discrimination to the Department of Education.



divided between the parties, but the resignation of a Republican public member in September 1951 created a vacancy which remained unfilled. By this time, however, the nonpartisanship of the Commission had already become well established; and the equality between the parties was effectively maintained by the appointment of a Democratic public member, Frank Vorenberg, who although a registered Democrat, regarded himself as an independent voter and was commonly so considered.

The Commission was unpaid, and the task of directing its research work was entrusted to Eliot, its Executive Director. Eliot had a small full-time staff, and also called upon a number of expert consultants, who served on a per diem basis. At the outset, the Commission decided that it would be impolitic to try to present a single report covering the entire state government. It was believed that any such report would be doomed to failure, because each interest group opposing a particular recommendation would probably join forces with all other similar interest groups and successfully attack the whole report. Therefore, the Commission decided to bring out a series of separate reports, each with draft bills attached, keeping in mind, throughout, a general view of the whole picture so that recommendations affecting more than one Department would not conflict with subsequent proposals by the same Commission.

Including, as it did, a preponderance of legislators, the Commission was acutely aware of the need for legislative support. At one of its very first meetings, it had heard a high State official express the cynical opinion that all that this Commission should do was to copy the language of reports made in earlier years, and resign itself to having its reports gather dust in the archives. There was a very general skepticism, in the state administration and in the legislature and among the public, concerning the possibility of any successful reorganization



of any Department. Experience in the neighboring state of Connecticut, where a sweeping reorganization report had been rejected by the legislature in 1950, increased this skepticism.

To build up support for the Commission's recommendations, therefore, Eliot proposed that an effort be made to establish a broad-based Citizens' Committee along the lines of the National Committee for the Hoover Report. But the Commission's Chairman, Chester A. Dolan, Jr., rejected this suggestion, and was supported by a majority of his colleagues. They felt that if any "leading citizens" were recruited to head a Citizens' Committee, they would either be well known partisans, with many political enemies in the legislature, or they would be persons carrying little weight with the legislature, despite their possible distinction in professional or business life. Furthermore, they were fearful of criticism if the Commission or its staff actually stimulated the creation of any such pressure group. Finally, the Connecticut experience showed that a committee of this sort could easily melt away once specific recommendations were made; and indeed, in Massachusetts, some prominent individuals who were vocal in their enthusiasm about the establishment of the Commission became quickly silent or hostile when their own ox was gored by any "Baby Hoover" bill.

The idea of a Citizens' Committee was therefore dropped. From that point on, Eliot sought a wide base of general support chiefly through the press, which was largely favorable, and through two half-hour television programs in the winter of 1952. In addition, the state branch of the National Committee for the Hoover Report made its regular weekly radio program available from time to time to the Commission; and Eliot, his assistant (and successor) William A. Waldron, and some members of the Commission also made numerous speeches to luncheon clubs and



other groups. The use of all these publicity media unquestionably created a generally favorable atmosphere which imparted itself to the legislature when the Baby Hoover bills were brought up for action.

The opposite side of the same shield was the elimination, where possible, of enmity arising from the misunderstanding or fears of department and bureau chiefs and state personnel. The Commission promptly adopted and publicized a policy of not affecting the rights of any civil service personnel, justifying this position by pointing out that in recent years the regular personnel turnover in Massachusetts had exceeded 15 per cent, so any reduction in personnel permitted by reorganization could take place quickly through not filling vacancies. This satisfied the civil service workers. There remained the question of dealing with the higher placed appointive officials.

At Waldron's suggestion, and upon the urging of both Waldron and Eliot, the Commission adopted an elaborate and time-consuming procedure. For each of its major reports, the work began with the preparation of a staff memorandum, which stated the facts and asked numerous questions, but contained no specific recommendations. This staff memorandum, after being revised by the Commission, was then sent to the heads of the various state agencies affected. Each of them was invited to sit down and discuss it with the Commission. Thereafter, the same or a revised staff memorandum was sent to a group of unpaid "advisers" who were citizens with some special knowledge or interest in the field being studied. They, too, met with the Commission and expressed their views.

The staff memorandum was then rewritten in the form of a Tentative Report, which was given to the press, together with an announcement that the Commission would hold a public hearing on the Tentative Report. After the public



hearing, the Commission met again, and made further revisions before filing its formal report with the legislature.

It was this procedure which was followed in the case of the preparation of the report on the Department of Conservation. It was supposed to allay the opposition of appointive officials and to satisfy private citizens that they had had a chance to be heard and to participate. In this case, apparently, it did neither.

### The Department of Conservation

For many years, the Massachusetts Department of Conservation had been a subject of widespread criticism. It was hardly a Department at all, but rather a conglomeration of several different agencies, each of them jealous of its prerogatives. Its history was marked by internal conflict and duplication, and a significant lack of any affirmative program to develop the state's natural resources.

Nominally, the head of the Department was the Commissioner of Conservation, appointed by the Governor. But although the statutes appeared to give the Commissioner control of almost all of the Department, no Commissioner, for many years, had been able effectively to exercise any such control. This was primarily because the Commissioner did not have the power to appoint or remove the Directors of the Divisions in the Department. These officials were, instead, named by the Governor for fixed terms. Furthermore, the substantive laws conferred various powers upon the Division Directors, exclusive of the Commissioner. To a very considerable degree, therefore, the last few Commissioners of Conservation in Massachusetts had felt themselves to be little more than figureheads.



By statute, there were five Divisions in the Department -- Marine Fisheries, Parks and Recreation, Forestry, Law Enforcement, and Fisheries and Game. All but the last were supposed to be under the control of the Commissioner. Until 1948, the Division of Fisheries and Game was also at least nominally under his control. In that year, however, the legislature established a new agency, the Fisheries and Game Board, and entrusted it with the responsibility for the administration of the Division of Fisheries and Game. The Board, an unpaid five-member body, appointed by the Governor for staggered terms, appointed the Director and other officials of the Division of Fisheries and Game. That Division was financed by appropriations from an earmarked inland Fisheries and Game Fund, into which were placed all the receipts obtained by the sale of hunting and fishing licenses to sportsmen.

The Division of Parks and Recreation was responsible for operating a number of state-owned recreational areas, several of them located within the boundaries of state forests. The Division of Forestry was responsible for the state forests and for the administration of a potentially lucrative forest-cutting program which remained ineffective. The Division of Marine Fisheries administered the laws with respect to shellfish and deep sea fishing. In the Division of Law Enforcement were two groups:- Conservation Officers, exclusively occupied in enforcing the inland fish and game laws, and Coastal Wardens, whose only duties were those concerning the prevention of illegal digging, catching or processing of clams, lobsters, and similar marine life. One-half of the salaries of the Conservation officers was paid out of the Inland Fisheries and Game Fund.

The Commissioner of the Department was Arthur T. Lyman, Jr., appointed by Governor Bradford, a Republican, in 1948 to serve for a five-year term. He



was an experienced public servant, having previously been Commissioner of Correction by appointment of Governor Ely, a Democrat. As indicated, he had to exert whatever influence he could chiefly through persuasion, rather than through any real authority. With two of his Division Directors he was on close and friendly terms; with the head of the Division of Law Enforcement, a man with a political background who has since retired to seek political office, Lyman dealt at arm's length. Between Lyman and the Director of the Division of Forestry there was open and obvious hostility. That Director, Raymond J. Kenney, was himself a former Commissioner of Conservation, and appeared ready to resist anything which he considered interference with his prerogatives as Division chief.

Early in Lyman's term as Commissioner, the Fisheries and Game Board was established and the Division of Fisheries and Game was removed from the Commissioner's control. Lyman did not appear to resent this, but rather welcomed it, as he disliked the constant pressure exerted by various sportsmen's groups in connection with the administration of the fish and game laws. It appeared, however, that while the Fisheries and Game Board and the Commissioner now moved in separate orbits, neither had very much respect for the other.

This was the Department which the Baby Hoover Commission, among its other duties, sought to reorganize in 1952.

#### The Staff Memorandum

The Staff Memorandum on Conservation was prepared under Eliot's direction largely by Melvin Zurier, a young Harvard graduate who had worked, the previous summer, for a special commission investigating the Milk Control Board of Rhode Island. The consultant on the project was Professor Arthur A. Maass of



Harvard, who had taken part in the Hoover Commission's work in Washington and had headed the "task force" on natural resources in the Connecticut reorganization program. Most of the interviewing was done by Zurier, and some by Maass and Zurier together, with Zurier writing full reports of the facts found. Eliot put these reports together into a preliminary memorandum, while Maass, separately, prepared a full report of his own. Eliot believed that many of Maass' suggestions were too drastic to be politically practicable, but drew on some of them substantially in revising the preliminary draft and preparing the Staff Memorandum for discussion, which was completed on August 27, 1951.

In view of what later transpired, it is interesting to concentrate, here, on only a few of the questions raised by the Staff Memorandum. The final battle, many months later, concerned four substantive issues: (1) whether the Department should continue to be headed by a Commissioner or should instead be headed by a five-man Board; (2) whether the Division of Fisheries and Game, functioning under an independent Fisheries and Game Board, should instead become an integral part of the Department, its Director to be appointed by the Commissioner; (3) whether the Department's law enforcement activities should be entrusted to "Conservation Officers" trained and equipped to enforce all of the conservation laws instead of only segments of them; and (4) how a unification of two Divisions, those of Forestry and Parks and Recreation, could be effected.

The first of these questions was not raised in any way by the Staff Memorandum. Neither Eliot, nor Zurier and Maass, nor members of the Commission, gave any serious thought to establishing a board or commission to direct the Department. Shortly before this Staff Memorandum was prepared, the Commission had filed its report on the Department of Education. The members had rather reluctantly



agreed to leave that Department under the direction of the Board of Education, but had publicly explained that this was the "exception that proved the rule" and had reiterated their belief that ordinarily an operating department should be headed by a single individual. Far from getting rid of the Commissioner and replacing him with a Board, the Staff Memorandum asked whether the Commissioner should not be given greater power -- especially, the power to appoint and remove his Division Directors.

In connection with the Division of Fisheries and Game, the Staff Memorandum suggested that "it would seem that there is an excellent opportunity for the Commonwealth to realize a savings by making the Division of Fisheries and Game part of the Department of Conservation", with the Director of the Division to be appointed by the Commissioner, and the Fisheries and Game Board (an unpaid body) to be retained only in an advisory capacity, without administrative responsibility. These suggestions were made in extremely tentative form, the memorandum also including arguments for a continuation of the system in effect since 1948 when the Fisheries and Game Board was established and placed in charge of the Division of Fisheries and Game.

The development of a "multipurpose" staff of Conservation Officers, a key proposal in the Maass report, was not mentioned in the Staff Memorandum. The latter, instead, suggested that possibly the law enforcement officers in the Law Enforcement Division should be assigned to the particular operating divisions with which their major duties were connected. Thus, the Conservation Officers enforcing the Fish and Game laws might be assigned to the Division of Fisheries and Game, and the Coastal Wardens to the Division of Marine Fisheries.

Finally, the Staff Memorandum did raise the question of a merger of



the Division of Forestry with the Division of Parks and Recreation, and implied that if this merger were effective, the head of the new Division should be appointed by the Commissioner.

The Staff Memorandum was sent to the Commissioner of Conservation, to the Chairman of the Fisheries and Game Board, to the heads of two Departments affected by other recommendations which do not concern us here, and to Senator Edward Stone and Representative Fred Blake, the Senate and House Chairmen of the standing Committee on Conservation.\* A dinner meeting of the Commission was arranged, to which Commissioner Lyman, Senator Stone, and Representative Blake were invited, but only Commissioner Lyman attended.

Lyman, not at all surprisingly, gave an affirmative answer to the question of whether the Commissioner should appoint the Division Directors. (At no time, at that meeting, was there any suggestion of having the Department headed by a Board.) He expressed some reluctance at having the Division of Fisheries and Game directly under his control, because he believed that this would make him the subject of ceaseless pressure from rival sportsmen's groups; but he agreed that the integration of the Division was logical and justifiable. With respect to law enforcement, he suggested (like Maass) that the officers in the Division of Law Enforcement should enforce all the conservation laws. Rather mildly, he argued that the work of the Division of Forestry was sufficiently different from that of Parks and Recreation to justify the continuation of two separate Divisions, but he indicated his readiness to "go along" with a recommendation for consolidation.

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\* In Massachusetts, most standing committees of the legislature are joint committees, Senators and Representatives sitting together.



Shortly thereafter, Eliot held a long conference with Senator Stone.

(Neither at that time, nor later, did Representative Blake respond to repeated invitations to confer with Eliot or with the Commission.) Senator Stone was deeply interested in the Department, and said that he strongly favored giving the Commissioner authority commensurate with his responsibility. Most of this discussion, however, related to the Department's activities in destroying the gypsy moth by aerial spraying, a subject which was mentioned in the Staff Memorandum and subsequently became an important part of the report.

At the end of September, 1951, the Fisheries and Game Board, and the heads of the other Departments concerned were invited to meet with the Commission. Throughout its existence, attendance at the meetings of the Baby Hoover Commission had been unpredictable; and unfortunately, on that particular day, the only member of the Commission present was Representative Howard Whitmore, Jr. of Newton. It was probably also unfortunate that the other Department heads were heard first, and talked a long time, so that the members of the Fisheries and Game Board had to wait in an outer office for over an hour. When they came into the meeting they were obviously dismayed by the fact that only Whitmore and Eliot were present. However, they talked freely, the Chairman of the Board, Matthew M. Coyne, being the chief spokesman. They found no fault whatever with any factual statements in the Staff Memorandum. They did vehemently oppose any possible suggestion that they be deprived of administrative responsibility, or that the Director of Fisheries and Game be appointed by the Commissioner instead of by themselves. In the main, they gave an accounting of their stewardship and urged that no change be made. They expressed no opinions with respect to the rest of the Memorandum. After Eliot and Whitmore had listened, with few interruptions, for 55 minutes, Eliot



asked in a moment of silence whether Mr. Coyne or his colleagues had anything further to say. Coyne declared himself satisfied, and the conference was concluded.

Before preparing the Tentative Report, Eliot personally had further conferences with several advisers whom he invited to discuss the Staff Memorandum with him. (The Commission itself was holding regular meetings on other subjects, and in view of the difficulties of obtaining substantial attendance, Eliot decided that these extra conferences might as well be held by him alone, although on each occasion he informed the Commission members and invited them to attend.) For present purposes, the only conference with advisers that was relevant was one with Robert Livermore, then president of the Massachusetts Fish and Game Association. Livermore emphatically opposed any change in the Fisheries and Game Board and the Division of Fisheries and Game. He said that for the first time within memory sportsmen were united in supporting the official program of these bodies. He said that prior to 1948, the Director of the Division was appointed by the Governor and was a "political" figure subject to "political" pressure. The establishment of the Board with administrative responsibility, Livermore said, had removed politics from the whole area of wild life management. He said that he would approve of integration of the Division within the Department of Conservation, only if the Department itself were headed by a similar "nonpolitical" Board. He told Eliot that both he and many other leaders of sportsmen's organizations were thoroughly "sold" on the idea of a Board and would be happy to see the Department of Conservation headed by a Board, but that if it was not headed by a Board, he would fight to keep Fisheries and Game independent of the Department.



## The Tentative Report

Eliot then wrote a draft of the Tentative Report and submitted it to the Commission for consideration. Now for the first time he raised the question which later turned out to be basic -- namely, whether the Department should be headed by a Commissioner or a Board. Eliot's draft assumed that it would continue to be headed by a single Commissioner, but he reported his conversation with Livermore and suggested that the matter be considered. When asked for his own views, Eliot said that he would prefer to have a single Commissioner. Several members of the Commission, especially Whitmore, echoed this, as being consistent with a fundamental principle of administrative management.

Eliot's draft also raised squarely the question of whether the Division of Fisheries and Game should be integrated and the Fisheries and Game Board either abolished or made an advisory unit. Both he and the Commission members were in agreement that "to create a real Department, capable of developing a unified Conservation program with maximum efficiency and economy", all Divisions should be under the Commissioner. "The work of the Division" (of Fisheries and Game) should not, functionally, be kept separate from that of the Department of Conservation. To keep it separate is to impair the possibilities of achieving the maximum results from a real Conservation program . . . To insist that the Division remain wholly independent of the Department of Conservation is to assume that the management of wild life areas should be undertaken separately from the management of parks and forests -- some of them the very woods and streams where the wild life abounds."

This tentative recommendation was the subject of prolonged discussion at the Commission meeting on October 14, 1952. The question was, in part, a political one. The eleven members of the Commission who were or had been members



of the legislature were acutely aware of the potentialities of the sportsmen as a "pressure group." Several of them recounted instances of large numbers of hunters and fishermen coming to hearings, buttonholing legislators in the corridors, and "putting on the heat" in connection with various measures. It was obvious to all that the sportsmen would vociferously oppose the tentative recommendation. Nevertheless, the tentative recommendation stood. It stood largely because the Commission members agreed with Eliot, first, that it was a sound recommendation in itself, and second, that the Commission had more to gain than to lose by making it. The Commission members themselves were unwilling to appear subservient to any pressure group. Eliot believed and said, furthermore, that as a tactical matter it would be sensible to make the tentative recommendation, because if the opposition should prove to be too fierce, the Commission could still gracefully withdraw from its position. By such withdrawal, he assumed, the sportsmen would be mollified.

Thus, after prolonged deliberation, but without dissent, a basic decision was taken:- namely, to recommend in the Tentative Report that the Division of Fisheries and Game be brought under the Commissioner of Conservation, with the Fisheries and Game Board becoming an advisory body. A concession was made, in the form of giving the Fisheries and Game Board the right to nominate a list of six persons, from whom the Commissioner would select the Director of the Division.

The Tentative Report, as drafted by Eliot and approved by the Commission, specifically provided for the multi-purpose Conservation Officers urged by Maass. This was agreed to with little discussion. Furthermore, the Tentative Report proposed a new, combined Division of Parks and Forests. In discussing this part of the Tentative Report, Commission members did raise a question, as to what



would become of the Directors of the two Divisions which would be merged. One of these Directors, Kenney, had wide political contacts in the state and especially in the State House. While the fact that he might have some political influence was noted, however, no one on the Commission urged that any special provision be made for him. This was partly because the Commission, as a matter of policy, consistently refrained from dealing in personalities and chose to abide by its fixed rule of protecting civil service employees, but disregarding the claims, political or otherwise, of officials outside of civil service.

The Tentative Report was then adopted and made public, and the Commission held a hearing on it on November 2, 1951. Of the four questions which we have been considering here, only one was emphasized at the hearing -- the tentative recommendation with respect to Fisheries and Game. No witness urged that the Commissioner be replaced by a Board; nobody discussed the expansion of the functions of the Conservation Officers; and there was no opposition to the merger of the Division of Parks and Recreation with the Division of Forestry, nor to having the head of that Division appointed by the Commissioner.

Commissioner Lyman himself spoke in favor of almost the entire Tentative Report, but "reluctantly opposed" the proposals with respect to the Division of Fisheries and Game. He implied that integration, in the face of the fierce opposition of the sportsmen, might well be self-defeating.

More surprising was the statement made by Coyne, Chairman of the Fisheries and Game Board. Instead of discussing the issues presented by the Tentative Report, Coyne attacked the Commission and its staff. He complained about Zurier's youth; he complained, quite incorrectly, that neither he nor the chief Division of Fisheries had been more than perfunctorily interviewed, nor the hatcheries and game farm visited; he complained that he and his fellow Board



members had not been given a hearing by the Commission. Eliot corrected him with respect to interviews with officials and visits by Zurier and Maass to the Division's installations, and pointed out that Coyne had said everything he had to say at the Commission meeting on September 24. To this, of course, Coyne could and did reply that only one member of the Commission was present. Eliot's rejoinder was to ask Coyne whether despite all the alleged shortcomings of the Commission and its staff, there were any factual misstatements in the Tentative Report. Coyne admitted that he had found none.

A number of other speakers stuck to the issue more closely. Representing various rod and gun clubs, they reiterated Livermore's earlier point, to the effect that a "nonpolitical" Fisheries and Game Board had in three years succeeded in establishing a program which they could all support. These sportsmen claimed to represent many thousands of persons, although less than a hundred attended the hearing. The showing was sufficiently impressive, however, to make Eliot believe that the time had probably come to retreat, especially with Commissioner Lyman siding with the sportsmen on this issue. He was ready to leave the decision to the Commission members, without any comment by himself. In a brief conference after the hearing, Eliot found the members all ruefully agreeing that in its final report the Commission should recommend leaving the Fisheries and Game setup alone. They said that this reversal was absolutely necessary if the whole Conservation Report was to have a good chance of success in the legislature. Eliot then assured them that he could draft a final report which would thus reverse the Commission's position but at the same time save its face.



## The Opposition Organizes

Nobody was surprised, when the Tentative Report was issued in October, to find sportsmen's clubs protesting the proposal to change the status of the Division of Fisheries and Game. Eliot was a little startled, however, to discover first, that the "alarm" was actually sent to the sportsmen's organizations by Coyne, the Chairman of the Fisheries and Game Board, and second, that many of the "rod and gun" columns in the daily papers of the state simply reprinted, verbatim, handouts prepared by one man in Boston, without any independent evaluation of their fairness or accuracy.

To be sure, prior to the public hearing on November 2, 1951, the newspaper stories were reasonably accurate, although hardly unbiased. "Trapper Bill" in the Fish and Game column of the Lawrence Eagle on October 29, 1951, noted a forthcoming meeting of the State Council of Sportsmen's Clubs, Massachusetts Federation of Sportsmen's Clubs, and Middlesex and Norfolk County Leagues to "talk over the report," and said that at the hearing the following Friday, sportsmen's groups, individuals, etc., in opposition to this proposed reorganization, "should be on hand to register their opposition." Henry Moore, Rod and Gun Editor of the Boston Herald, about whom more will be heard later, ran a strictly factual column on November 2nd. The Springfield Union, on the same day, reported a sizeable meeting of sportsmen's representatives as opposing the Tentative Report, and made an unexplained reference to "wholesale sabotage of the sportsmen's funds." It is noteworthy that several of the "representative sportsmen" at the meeting mentioned in this story were themselves "rod and gun" editors of various papers.

Widespread publicity was given to a statement by Paul White, then Field Secretary of Wild Life Conservation, Inc., opposing the Tentative Report. White



said that when the Fisheries and Game Board was established "the sportsmen succeeded in divorcing fisheries and game policies from political control -- under the Baby Hoover proposal, the Fisheries and Game Director would again be a political appointee, the only difference being that he would be named by the Conservation Commissioner instead of the Governor. Since the Commissioner himself is a political appointee, fisheries and game administration would be right back where it was three years ago, deep in the heart of politics."

Virtually all of this publicity, like virtually all of the arguments made at the hearing itself, was confined to the issue of whether the Division of Fisheries and Game should be brought under the Commissioner, or remain under a responsible Fisheries and Game Board. Thus far, the opposition seemed to be reasonable, and developments were just about what Eliot had expected. The first tip-off of a different kind of campaign -- the kind of campaign that ultimately had much to do with the Commission's defeat -- came into the "Sportsmen's Roundup" column in a relatively small paper, the Lowell Sunday Telegram. The writer of that column, one "Ed" Coughlin, wrote as follows: "The biggest proposed steal since the Brink robbery was uncovered this week by a few wide-awake sportsmen's leaders, and an innocent-appearing report of the Baby Hoover Commission was disclosed as the key the politicians had hoped to use in their raid on the lucrative, but well-guarded treasury of the state's sportsmen's fund. Once again, the hunter and the fisherman had learned the only way to safeguard the money derived from their license fees is to handcuff the suction-cupped fingers of the slush fund grabbers." Coughlin referred to the Tentative Report as "highly secretive" and said that "it appears on the surface to be a fairly deliberate attempt to get the Division of Fisheries and Game back into politics."



This story was significant, despite its limited circulation. It stated three themes. The first of these, relating to the "steal" of the sportsmen's fund, was so far-fetched that it reappeared only infrequently. The other two, however, -- the charge of "secrecy" and the insinuation that the Baby Hoover Commission was nefariously interested in "politics" -- were played over and over again, in all parts of the state. Coughlin's column may well have given to the aforementioned Henry Moore the basic ideas upon which he framed the later publicity which was so effective in wrecking the reorganization plan.

One other factor, in this early period, must not be overlooked. That was the unity of the various sportsmen's groups. Historically in Massachusetts, these clubs and leagues have constantly been at war with one another, each wanting more fish for its own streams. The Tentative Report had the effect of uniting them, for it appears clear that in the main, the sportsmen were well satisfied with the administration of the fish and game laws under the Fisheries and Game Board and were most sincere in their opposition to any change. In November, all the major conservation, wild life and outdoor groups formed a representative body called United Conservationists, with Paul White as Director.

This unity, however, did not seem particularly significant at the time. It helped to persuade Eliot and the Commission to recede from their original proposal, but they assumed that once they had receded, the opposition would cease. They did not realize that the Tentative Report had so stirred and united the sportsmen, or at least their official leaders, that the opposition would continue and grow more vehement as time went by. They did not see, at first anyway, that United Conservationists had come into existence primarily to fight the Baby Hoover Report, and that the fight was therefore likely to continue regardless of how much



the report was changed. They overlooked the fact that others, before White, had gained political reputations by successfully organizing opposition to proposed legislation.

### The Rival Bill

On December 4, 1951, a small self-constituted "steering committee" of Republicans in the Massachusetts legislature, including the President of the Senate and the minority leader of the House, issued a proposed program for the coming legislative session, due to convene in January 1952. In this "policy statement," they urged the reorganization of the Conservation Department, and specifically proposed placing it under the direction of a five-man Board instead of a single Commissioner. This was the first time that this suggestion had been publicly made, at least in 1951. It was followed immediately by the filing of a bill by Senator Christopher H. Phillips to carry out the proposal. United Conservationists were behind both the statement and the bill, White openly admitting that his group had drafted the measure. Senator Phillips was selected to introduce it because his uncle had been a conservation pioneer in Massachusetts and because, unlike Senator Stone, he was persuaded that a Board should supplant the Commissioner.

These moves took the Baby Hoover Commission by surprise. Whitmore, although an assistant floor leader of the House, had not been consulted and was somewhat indignant. After conferring with some of his fellow Republicans, however, he understood that the program was not binding on the party and did not believe that it was necessarily a firm commitment to any particular details of policy. Eliot, engrossed at that time in rewriting the Conservation Report,



drafting the Conservation bills, and preparing two other reports for early presentation to the legislature, was inclined to shrug the matter off.

There were two things that he might well have done. The first was fairly obvious, and had he had more time, he probably would have done it:- namely, arranging a prompt conference with Paul White and other spokesmen for the sportsmen's groups. Such a conference might have reduced the subsequent hostility to the Baby Hoover Report. Eliot knew, however, that it was most unlikely that the Baby Hoover Commission would advocate the establishment of a Board to run the Department. He also thought that while White was committed to continuing the battle regardless, his supporters would be satisfied by the final report. Underestimating the intensity of the opposition, he did not see that much could be gained by any conference.

The other thing which Eliot or a Commission member might well have done was something that did not occur to them. Not until months later, in fact, did it appear to be a matter of any real significance. It concerned the referral of bills to standing committees of the legislature.

All of the Baby Hoover bills were filed in the House, and were automatically referred to the Committee on State Administration. Commission members, and especially Eliot, had worked many hours with that Committee, acquainting them with the over-all objectives of the Baby Hoover Commission and with the details of its various bills. The Chairman of the Committee, Senator Ralph Lerche, was himself a member of the Baby Hoover group, and he relied heavily not only on Eliot, but also on Edward H. O'Brien, of Eliot's staff, for general assistance in the Committee's work as it pertained to the Baby Hoover reports.

Under the Massachusetts system, even a favorable report from the Committee on State Administration was not enough to bring a bill before the House



for action, if the bill in any way related to the raising or spending of money. Thus, all of the Baby Hoover bills, after receiving favorable reports from State Administration, were automatically referred to the House Committee on Ways and Means. All of them, therefore, had to run a double gauntlet.

Each bill, of course, related to some specific function of the state government, and for each such function there was a separate legislative committee, such as the Committee on Education, the Committee on Conservation, the Committee on Labor, and the like. To send the Baby Hoover bills to these Committees, however, would have meant that each measure would have had to run the gauntlet three times. Such an obstacle course was something to be avoided at almost any cost.

The Baby Hoover Commission attempted to work out a reasonable compromise, by inviting the members of the appropriate standing Committees to confer with them, and to sit with them at the time of the public hearing on the tentative report. These efforts evoked little or no response.

When Senator Phillips, on December 5, 1951, introduced his Conservation bill (Senate 73), the Clerk of the Senate had to decide where the bill should be referred. If the bill had been introduced by a Representative in the House, probably the House Clerk would have referred it to the Committee on State Administration. He would have recognized it as a reorganization bill, like the Baby Hoover bills. The clerk of the Senate, however, had not had the job of referring any Baby Hoover bills. He did recall that four years before, the Committee on Conservation had studied the Department and introduced some bills looking towards its reorganization (including the establishment of the Fisheries and Game Board). It was natural for him, therefore, to refer the Phillips bill to the Committee on Conservation.



As soon as they heard of the introduction of the Phillips bill, Eliot, O'Brien, or some member of the Commission would have done well to hasten to the office of the Senate Clerk and urge referral to the Committee on State Administration. Thus they might have avoided the complicating factor of inter-committee jealousy and conflict -- although to be sure, the Senate Clerk might still have sent the bill to the Committee on Conservation.

The Phillips bill was relatively short. It abolished the position of Commissioner, and established a Commission of five members, four of them to be appointed by the Governor with staggered terms. The fifth member was the Chairman of the Fisheries and Game Board, ex officio. This five-member Commission was authorized to appoint an Executive Secretary to act as the chief administrative officer of the Department.

The only other change in the existing organization proposed by Senate 73 was the merger of the Division of Parks and Recreation with the Division of Forestry. The bill included a specific provision that the Director of Forestry -- Kenney -- should head the new consolidated Division. No similar provision was made for the Director of Parks and Recreation.

### The Final Report

On January 19, 1952, the Commission filed its report on Conservation with the legislature, together with seven bills drafted to carry out its recommendations.

Although, as we have seen, Livermore's idea of heading the Department with a five-man Board had by now borne fruit in a bill with apparently substantial support, the Commission's report did not raise this question at all. It did



recommend that the Directors of all Divisions, except the Division of Fisheries and Game, should be appointed by the Commissioner. It changed the name of the Division of Law Enforcement to the "Division of Conservation Services", and recommended that the Conservation Officers in this Division should be trained, authorized and directed to enforce all Conservation statutes and regulations. One-half of their salaries were to be paid out of the Inland Fisheries and Game Fund. The Report expressly left the Division of Fisheries and Game alone, together with the Fisheries and Game Board. All of these recommendations were embodied in a bill entitled "Appendix A".

The "face-saving" promised by Eliot was apparent in the Report's introduction as follows:-

"There may come a time when a completely integrated resources program can be achieved. At present, however, the organized sportsmen of the State do not recognize the Conservation Department as 'their' department; they are mainly interested in only one of its functions, wildlife management. This particular function has been performed well in recent years. We cannot reasonably expect the sportsmen to accept a change in the existing organization unless and until they are convinced, by experience, that the rest of the Department is capable of running a scientific, constructive, coordinated program affecting all natural resources. The first necessary step, therefore, is to make it possible for the Department to do this."

Appendix B, attached to the Report, was a bill providing for the establishment of a new Division of Parks and Forests, formed by the merger of



two existing Divisions. No special provision was made for the continuation in office of the Directors of either of the merged Divisions. The bill provided that the Commissioner should appoint the Director of the new Division.

Appendix C directed the Department of Conservation to embark on a state-wide aerial spraying program to destroy the gypsy moth, and provided for the transfer of funds from the cities and towns to finance the program. The Commission estimated that this program would, within five years, bring about savings of approximately \$900,000 annually to the taxpayers of Massachusetts. Aside from the merits of this recommendation, its inclusion in the report was doubly beneficial to the Commission. First, the proposal was dear to the heart of Senator Stone. Second, and more important, it gave the Commission a chance to talk in definite figures and make a reasonably accurate estimate of cash savings. All reorganization commissions are plagued by this problem -- people seem to expect "price tags" to be placed on each structural change, but the wise and honest commission can seldom make an accurate estimate of just how much money can be saved by the merger of agencies or the reassignment of functions. Accordingly, Eliot had long since seized on the "gypsy moth" issue as one which would enable the Commission to speak of large savings when it made its Conservation Report public. Although the recommendation hardly pertained to the "structure" of the state government, Eliot justified its inclusion in the report because it was a recommendation for instituting "modern practices" of operation.\*

Appendix D related to the Division of Marine Fisheries -- the unit administering the laws with respect to ocean shellfish and deep sea fishing, as Even this was a little farfetched; the Resolve creating the Baby Hoover Commission mentioned "improvement of operational efficiency by . . . the introduction of sound management practices . . ." However, no one at any time raised any question about the propriety of the recommendations.



distinguished from "sport" on inland waters. In the main, this bill merely transferred numerous legal powers, such as those to issue licenses, from the Division Director to the Commissioner of the Department. It also provided for increases in license fees, which, the Commission said, would increase the state's revenue about \$50,000 a year.

Appendix E made the Department of Public Works responsible for maintaining automobile roads in State Forests. Appendices F and G concerned reassignment of functions, which aroused little controversy and need not concern us here. All of the bills were drawn by Eliot, and the whole program was deliberately separated into seven legislative proposals, in the hope that even if some were defeated, others would pass. As will be seen, this was a wise move.

The report received fairly wide publicity in the state, hitting the front pages of several Sunday papers. All of the newspaper stories made it clear that the Fisheries and Game Board would continue unaffected. As the Associated Press story said, "The final report of the Commission proposes leaving the Fisheries and Game Division under its present Board direction." The Boston Sunday Advertiser story was more specific: "Completely reversing its Tentative Report of last October, the Commission advises a status quo, with the Division functioning under a Fisheries and Game Board as presently constituted. The reversal is the result of nearly unanimous and organized protests of sportsmen against the first proposal to return the Division to Conservation Department control." The Commission's own release, part of which was used intact by several papers, said: "The Division of Fisheries and Game should continue, for the present at least, to operate under the Fisheries and Game Board, which should appoint the Director of the Division."



## The Battle Opens

The Baby Hoover report's initial reception was generally favorable. The news editors gave it prominence; editorial writers praised it. (One curious sidelight of this whole controversy was the journalistic schizophrenia which it exposed; the editorial page and the sports page were frequently on opposite sides. The sports page won.)

The report and the seven appended bills were referred to the Committee on State Administration. That Committee was devoting one day a week to consideration of the various Baby Hoover proposals, and Chairman Lerche fixed Tuesday, January 29, 1952, as the date for consideration of this particular report. Lerche, himself a member of the Baby Hoover Commission, was well aware of the fact that its recommendations had been revised, since October, in conformity with the requests of the organized sportsmen. He also recalled that substantially all of the opposition at the Baby Hoover Commission's hearing on November 2 had been directed at the proposal to alter the status of the Fisheries and Game Board and incorporate the Division of Fisheries and Game in the Department. This proposal having been abandoned, Lerche could see little or no purpose in holding another public hearing. He persuaded his fellow committee members to dispense with a hearing, pointing out that if any groups wished to offer new testimony, they would still have an opportunity to do so when the bill was considered by the House Ways and Means Committee.

Accordingly, on January 29, Lerche invited two people -- Eliot and Commissioner Lyman -- to sit with his Committee in executive session. At this session, Lyman stated his opinion, several times, that the Baby Hoover Report was "sound as a nut," and Eliot answered a few questions about the details of



the various bills. After some perfunctory discussion, the Committee voted to report the whole matter favorably to the House, knowing that it would then be automatically referred to Ways and Means.

The Baby Hoover Commission as such had nothing to do with this procedure. Eliot, in fact, was very much surprised when he learned that only himself and Commissioner Lyman were to attend the meeting. Apparently the organized sportsmen had not been invited, nor even notified that any meeting was to be held. On that particular day, they were concentrating on the forthcoming hearing of Senate Bill 73 before the Committee on Conservation, which was held the following day and was attended with enthusiasm by representatives of various "wild life" groups. The witnesses at the Conservation Committee hearing supported Senate 73 and opposed the Baby Hoover recommendations, although the latter were not before that Committee. The opposition was still harping on the idea that under the Baby Hoover proposals the status of the Fisheries and Game units would be altered; as the Lowell Sun reported, "indications point toward the fact that Senate bill 73, which was submitted by the sportsmen, will be enacted into law, thus continuing the Division (of Fisheries and Game) as it currently is."

It was several days before the sportsmen returned to the fight. Then, suddenly, on the front page of the Boston Sunday Herald of February 10, 1952, they fired away with both barrels. Henry Moore, publicity man of United Conservationists, Inc. and also Rod and Gun Editor of the Herald, wrote a blistering article headed "Outdoor Groups Act to Block 'Sneak' Conservation Bill."

Moore's article was designed to appeal to all possible opponents of the whole Baby Hoover Report. First it attacked the Commission by implication,



saying that its plan "to reorganize the Massachusetts Department of Conservation under one-man control has been smuggled through the House and referred to the Ways and Means Committee under the same cloak of secrecy which roused a storm of opposition when the report was first uncovered last summer . . . the Baby Hoover plan supporters are maneuvering to get their bill before the House, even though it is defeated, simply to block consideration of United Conservationists' own organization bill, Senate 73, which asks for the unpaid Commission form of streamlined reorganization unanimously endorsed by all interests involved."

Moore implied that the Fisheries and Game Board would be supplanted by a new Board appointed by the Governor, saying that the Report "authorizes the Governor to name a five-man advisory board to the Fisheries and Game Division." Quoting one of his bosses, Paul White, Moore said that the Baby Hoover plan "would nullify every gain made in the Conservation Department three years ago and turn it into a one-man dictatorship. . . under control of one political appointee." The story described the five-man unpaid commission form of control, as a proposal "advocated by conservation interests and made an integral part of the state GOP's twelve-point better government program."

Moore left few stones untouched. He sought to alarm the employees of the Department, saying that the Baby Hoover report "gives the Commissioner the sole right to transfer any Department employee from job to job, place to place, or abolish their positions and transfer them to other state departments as he sees fit" -- a thoroughly inaccurate statement. He pointed out that the Baby Hoover proposal for uniting all state lands under a Division of Parks and Forests would result in certain County Commissioners being "stripped of their control" over state reservations in their counties. He charged that the Commissioner of Con-



ervation would be given the right to "manipulate the state highway fund" because the Baby Hoover Report proposed that the Public Works Department, financed out of the highway fund, should be responsible for maintenance of automobile roads in state forests. Thus, in this one story, United Conservationists and the Boston Herald (which, editorially, had consistently been favorable to the Baby Hoover Commission's work) sought to discredit the Commission, condemn its plan for responsible management, and arouse the sportsmen, the state employees, the County Commissioners and the Public Works Commissioner against the report. The fact that the charges concerning the Fisheries and Game Board and the State employees were false was of no significance. Moore's story had the effect which he sought.

Ill and angry, Eliot drafted a long point-by-point reply, thought better of it, and instead sent a short letter to the Herald. He decided that the heart of the matter was the continuing mistaken belief that the Commission was seeking to abolish the Fisheries and Game Board. His brief letter, accordingly, dealt only with that point. Eliot wrote that Moore's article "was astonishing because it was based on a wholly false premise. It apparently assumed that the Commission was recommending a change in the status of the Division of Fisheries and Game and the Fisheries and Game Board. The fact is that no such change was recommended. The status of both the Division and the Board is unaffected by the Baby Hoover Report." In a reply in the Herald three days later, Moore said merely that Eliot "seems to have missed the main point" which, according to him, was that the Committee on State Administration had reported the bill without a hearing.

On February 15, Moore's column again charged that the Baby Hoover bill was a "legislative secret", and said that "it is believed to ask for a



single, politically appointed Commissioner in absolute control of all department divisions except Fisheries and Game." The idea that the report was "secret" was, of course, absurd. While printed copies were not yet available, the Baby Hoover Commission itself had multigraphed several hundred copies and had sent them to all interested organizations, notifying them that additional copies were available.

Moore's columns were widely reprinted throughout the state. Other rod and gun editors came back into action, and White himself traveled about the state making speeches. When he could not attend himself, he sent messages carefully designed to stir up opposition in particular quarters. He wrote to the Chairman of one of the local Reservation Commissions, saying that "I feel that I would not be fulfilling my job if I did not bring to your attention a certain section of the 'Baby Hoover Report'" -- the section combining all state reservations under the new Division of Parks and Forests. His letter to the Amesbury Sportsmen's Club was reported in the Haverhill Gazette, saying that the "Baby Hoover bill calls for the curtailment of the existing department and would not be advantageous to sportsmen." He spoke to delegates from sixteen sportsmen's clubs in Franklin County, where it was reported in the Greenfield Gazette, with White saying that the Baby Hoover bill would create a single Commissioner "with all power imaginable -- a Conservation dictator -- and no man knows enough about the whole field to undertake that job." He also repeated the false charge that the Fisheries and Game Board would be abolished, and would be replaced by a brand new five-man Board appointed by the Governor. In this particular speech, furthermore, he combined his attack on the Baby Hoover Report with criticism of a proposed budget cut, with which the Baby Hoover Commission had nothing to do, so that the story was conveniently headed "Conservation Department Change Threatens New Hatchery in Sunderland, Clubs Told."



Again and again, the same old charges were made. As late as March 30, the Lowell Sunday Telegram was describing the Baby Hoover Report as "the controversial bill which had been slipped into Committee by the Hoover Commission without benefit of public hearing" and was urging sportsmen to "protest the radical changes proposed for the presently smooth running Division of Fisheries and Game."

Meanwhile, although busy with other matters (the Baby Hoover Report on Education was given a public hearing on March 4, and its report on Public Safety was issued a few days later), Eliot was not ignoring the opposition to the Conservation Report. He continued to believe that most of it, at least as far as the rank and file of the sportsmen were concerned, was based on the mistaken belief that the Fisheries and Game setup would be changed. All of his counterattacks were aimed primarily at that point. He prepared a speech delivered by Senator Maurice J. Donahue before the Hampden County Council of Sportsmen's Clubs on February 17. Donahue, a member of the Committee on State Administration, supported the whole report and pointed out that the Commission's recommendations did not affect the Division of Fisheries and Game. This seemed to have little effect, even at the very meeting where Donahue spoke. As the Springfield Republican reported it, the Senator was followed by the president of the State Council of Sportsmen's Clubs, who said "We are very satisfied with the management of the Division of Fisheries and Game under the management of the present five-man Board and don't want to see any changes." According to the newspaper story, "he pointed out that the Commission's plan would affect the Division in many ways."

Eliot also prepared a speech for delivery by Senator Lerche before the League of Women Voters in Springfield on March 21. In this speech, Lerche said that he was "very disturbed by the various groups who wish to misinterpret the



proposed Conservation reorganization," and emphasized that the proposals would in no way modify the autonomy of the Division of Fisheries and Game.

On the same day, Chairman Dolan signed a vigorous statement, drafted by Eliot, denouncing the "confusing smoke screen of misinformation thrown up by the opponents of the Conservation Report." Eliot sent this statement to editors, with a personal letter referring to the frequent inaccuracies in their rod and gun columns. Receiving fairly wide publicity, this was about as effective a counter-attack as could have been made at that time. Probably the Dolan statement would have been more effective if it had been printed on the sports pages instead of in the regular news columns. It not only reiterated the facts about the Commission's report, but also made a pointed attack on the claims of supporters of Senate 73 that they were backing a "nonpolitical" bill. The Dolan statement said that while the Baby Hoover bills would remove four positions from gubernatorial control, Senate 73 would create four new positions to be filled by the Governor's appointees. It singled out as obviously "political" the provision in Senate 73 assuring Raymond J. Kenney, Director of Forestry, of continuation in office as the head of the new combined Division of Parks and Forests, and it said that, in providing that Fisheries and Game should be independent of the Department but that the Chairman of the Fisheries and Game Board should be a member of the Commission running the Department, the sportsmen were attempting to "have their cake and eat it too."

All during March, Eliot, speaking at luncheon clubs and other meetings, hammered home the point that the Conservation Report did not adversely affect the sportsmen's interests. During that month, he talked privately with Governor Dever. When the subject of the Conservation Report was brought up, the Governor,



with instinctive political prescience, immediately asked if Kerney was "making trouble." Eliot replied that he thought that he was, or at least would, but that the present difficulties were chiefly caused by the opposition of the organized sportsmen. The Governor's reaction was to appear somewhat rueful. He said that the sportsmen were a really powerful political group, so powerful that both parties sought to make special appeals to them in political campaigns. The Governor promised to speak to the Democratic leaders in the House, including the Chairman of Ways and Means, in favor of the Report, inasmuch as it did not affect or hurt the sportsmen. However, Eliot understood him to imply that he might be reluctant to throw himself fully into the battle for the adoption of Baby Hoover Conservation bills if the latter ran into serious trouble.

The Ways and Means Committee held a public hearing on the Baby Hoover Report on April 1, 1952. Eliot, Lyman, Representative Johnson of Worcester, and four Baby Hoover Commission members spoke in favor of the seven bills. The opponents were more numerous. Senator Phillips, who had introduced Senate 73, made a reasonable argument in favor of the Commission form of Department direction, and indicated no opposition to any other phase of the Baby Hoover Report. A whole series of sportsmen's representatives opposed the Report, but at this hearing, before well informed legislators, their opposition was primarily in the nature of favorable comments on Senate 73. One and all, they urged that the Baby Hoover Report be sent to the Committee on Conservation for further study.

Indicative of the effectiveness of White's campaign was the appearance of several representatives from the western part of the State, who knew little or nothing about the details of the report but wished to register their opposition. Each of them said he did not wish the Fisheries and Game organization disturbed.



Each was speaking upon request of his local sportsmen's club.

Coyne, the Chairman of the Fisheries and Game Board, admitted that his own unit would not be directly affected by the reorganization. He now justified his opposition, however, by claiming that under the Baby Hoover bills a part of the inland fisheries and game fund would be diverted to pay the expenses of enforcing other Conservation laws. This presumably referred to the recommendation that all Conservation officers should enforce all Conservation laws, with half of their salaries being paid from that fund. As Eliot pointed out, any small increase in the drain on the fund might well be matched by an increase in service, in more effective enforcement of the fish and game laws; but Eliot also said, and other Commission witnesses repeated, that this particular matter was of no great significance and that the Commission would readily support an amendment confining the use of the fund solely to the enforcement of fish and game laws.

The Ways and Means hearing was the scene of the first public appearance of certain other persons in opposition to the report. These included people alerted by Henry Moore's original article. Thus, a spokesman for the Public Works Department protested the bill making that Department responsible for maintenance of automobile roads in state forests, and several County Commissioners spoke against the plan to have the state Division of Parks and Forests administer all state reservations. By far the most bitter testimony, however, was that offered by two Division Directors, Kenney and Cenedella, Director of the Division of Law Enforcement. If ever there was proof of the Commission's charge that the Department of Conservation was a "conglomeration of independent agencies", it was furnished here. Both Kenney and Cenedella, especially the former, occupied themselves in studiously insulting the man to whom they were supposedly responsible, namely



Commissioner Lyman. Kenney made a vehement defense of the status quo, while Cenedella picked up the argument that under the plan, state employees might be transferred, and his Division decimated. Kenney's opposition was not surprising, for his dislike of the Commissioner was well known. The vigor with which Cenedella spoke was, perhaps, explained a few months later, when he resigned to seek the Republican nomination for a political office.

The only important new development at the hearing was the emphasis laid by several witnesses on the need for referring the Baby Hoover bills to the Committee on Conservation. Several sportsmen and also Representative Howard Russell, a member of that Committee, urged that this be done. This was the first public indication that a new opposition force was gathering -- namely, the legislators on the Committee on Conservation, who could be appealed to on the ground that their own prerogatives had been slighted. The effective exploitation of this appeal, as it turned out, was a major factor in the ultimate defeat of the Baby Hoover plan.

#### Efforts at Compromise

The pressure now was turned on the Ways and Means Committee. The Chairman was visited at his home by a delegation of sportsmen, who threatened him with defeat in the forthcoming election if he permitted his Committee to report the Baby Hoover bills favorably. When a speech by Eliot before the Boston Rotary Club was widely reported, quoting him as saying that the Division of Fisheries and Game would be unaffected, nearly a hundred letters promptly reached the Governor and as many more went to the members of the Ways and Means Committee, disputing Eliot's statement and demanding that the bills be killed. A syndicated



State House column, appearing in many newspapers, reported that although "the Baby Hoover Commission skirted any trouble with the sportsmen by proposing that the Fisheries and Game Division and its fund not be affected" nevertheless "sportsmen saw red when they thought major alterations were being made in their pet function." This column also pointed out what Chairman Dolan's statement had revealed, that the sportsmen's own proposition was to give their representatives a "foot in the door" to control of the whole Department.

The rod and gun editors kept the pressure up. For instance, on May 1, the Brockton Enterprise and Times described the Baby Hoover bill as making the Commissioner of Conservation "the boss of the Division of Fisheries and Game," and on May 15 Henry Moore wrote bitterly about the Baby Hoover Report having been "sneaked into the Ways and Means Committee", having received only "token favor" but "overwhelming opposition of . . . half a million people."

Meanwhile, the Director of Forestry, Kenney, spoke to individual members of Ways and Means, urging first that the whole report be pigeonholed, and second, that in any event, a special provision be inserted taking care of him.

Representative Harrington, Vice Chairman of the Baby Hoover Commission and also a member of the Ways and Means Committee, decided that Kenney's political strength was too great to ignore. He therefore asked Waldron to draft an amendment to the bill "taking care" of Kenney. This amendment, which provided that the Director of the Division of Forestry would remain an employee in the Department, with no change in pay, for the duration of the term for which he was appointed, was duly agreed upon by the Ways and Means Committee. It did not satisfy Kenney, however. He objected that it did not specifically provide that he should be the head of the new Division of Parks and Forests, nor, he said, did it take care of him after his present term expired a year and a half hence.



In May, Waldron reviewed the whole situation with John M. Woolsey, a Director of an old established organization known as the Trustees of Public Reservations. Waldron believed that the Commission should "fight back" by causing the legislature to be bombarded by letters favoring the Baby Hoover Report. Eliot viewed this suggestion very dubiously, partly because he was busy with countless other matters and partly because he did not think that letters from individual citizens, no matter how distinguished, would have much effect. His reluctance was increased when Commissioner Lyman poured cold water on the whole idea, saying that it would only serve to "stir the animals up." However, a letter was drafted, and a copy of it was sent to a few people known to be sympathetic to the Baby Hoover proposals. These few signed it, but Woolsey himself then wished to rewrite it entirely before signing it, and the project came to nothing.

Despite the sportsmen's pressure, and perhaps because of the generally favorable attitude of the Governor, Ways and Means favorably reported all seven Baby Hoover Conservation bills on June 10, 1952. The Committee acted unanimously. Moore sent out the alarm in his column, widely reprinted, and the pressure increased.

By this time, Eliot, O'Brien, and Harrington all believed that the major reorganization proposals had only a bare chance of passage. Eliot was thinking in terms of salvaging as many of the seven bills as possible. O'Brien and Harrington thought that with a few breaks in the luck, and an all-out fight, the major bills might pass the House, but even they could make no favorable predictions with respect to Senate action. Waldron, however, refused to accept any defeatist attitude. He urged Eliot to see the Governor and demand that the Governor come out



strongly for the whole report. This Eliot refused to do for several reasons. First, he believed that it would be futile, because the Governor had already indicated that he did not particularly desire to get into a brawl with the organized sportsmen. Second, he thought that even if the Governor did assume leadership, such leadership might result in the death of the bill in the Republican Senate. Furthermore, he was most unwilling to inject the Governor too far into any of the Baby Hoover battles because of the probability of incidentally arousing purely partisan opposition, especially as the gubernatorial election was only a few months away. O'Brien, who was in frequent contact with the Governor's legislative secretary, concurred with Eliot in this appraisal of the situation.

Waldron did not give up. In early June, in a radio debate, Eliot and the sportsmen's spokesman, White, had agreed that the only real issue was whether the Department should be headed by a single person or a five-member board. Waldron thereupon proposed that the sportsmen's leaders sit down with the Commission and try to work out a satisfactory compromise. He believed that the issue of Commissioner versus the Commission was relatively unimportant and was himself ready to advocate acceptance of the sportsmen's five-man board proposal if the rest of the program could be saved.

With Eliot's reluctant acquiescence, Waldron, at the Baby Hoover Commission's meeting on June 18, urged that this conference be held, and the Commission agreed to hold it. Several Commission members, therefore, met on Friday, June 20, with White, Woolsey, and representatives of the Conservation Council, a "holding company" of numerous organizations interested in wild life management. More or less self-invited, a number of legislators were also present -- Senators Stone and Phillips, and several representatives serving on the Committee



on Conservation. One of the latter, Representative Porter, said that he had drafted an amendment to the Baby Hoover bill to provide for a five-man board. It seemed possible that the Baby Hoover Commission members would agree to support this amendment, if the sportsmen could assure them that, as so amended, the whole program would be adopted. At this point, White hastily backtracked. Although claiming that he was representing half a million sportsmen, he now said that he could not possibly speak for all the groups which belonged to his organization nor could he foreclose any of their individual members from opposing various parts of the Baby Hoover Report. Furthermore, he pointed out that Fred Blake, House Chairman of the Conservation Committee, was strongly opposed to any five-man Board, and the Porter amendment might therefore be defeated, for Blake was influential. Whitmore, and especially Frank Vorenberg, of the Baby Hoover Commission, then spoke out vigorously against the Commission form of control and in favor of retaining a single Commissioner. Thus the chance for any real compromise was lost.

Eliot, never hopeful of any satisfactory compromise, nevertheless now made one last effort to pull the chestnuts out of the fire. He suggested that the Porter amendment be carefully redrafted, so that it would clearly pose the issue without causing an unnecessary number of changes to be made in all of the Baby Hoover bills and that it be introduced at the outset of the debate on the first bill. He expressed the hope that if the amendment was passed, the bills would then be enacted, and that if the amendment was defeated, the sportsmen would still get behind the bills and try again next year to supplant the Commissioner with a Board. This proposal was greeted favorably by all present, and White, Woolsey and Eliot spent the afternoon drafting the proposed amendment.

Over the ensuing weekend, both White and Representative Porter changed



their minds. Porter, who was a neighbor of one of the chief sportsmen's lobbyists at the State House, told Eliot on Monday that he did not see how he could possibly offer the amendment. Instead, he said, all the bills should be referred to the Committee on Conservation for study during the forthcoming legislative recess, from July, 1952 to January 1953. Eliot promptly called White on the telephone and received the same information. Eliot then asked Porter if he was definite as to what he was going to do. Porter replied that someone had urged him to refer three bills (Appendices A, B and D) to the Committee on Conservation, but apparently now "the idea was that the bills should be referred." He said he had nothing against the four other bills, nor had he heard of any opposition to them.

As soon as Porter left his office, Eliot quickly called O'Brien, who was keeping a close watch on Baby Hoover legislation on the floor of the House. O'Brien then suggested to the Clerk of the House that there were four bills (Appendices C, E, F and G) which he understood were noncontroversial and might be passed even though they were not on the regular House calendar for the day. The clerk handed them over to the Speaker, and they duly received the requisite number of readings, and passed the House without any debate at all. If this quick action had not been taken, and they had come up at the same time as the other three bills, there is no question but that they would have all been sidetracked. This, perhaps, was the kind of "steamroller" or "sneak" tactics to which Henry Moore had objected, but it was his very objection which had played such a large part in making such tactics necessary. And in any event, these bills still had to pass the Senate -- which they did, without substantial change.



## Defeat

The remaining Conservation bills were on the House calendar for June 23, 1952. As soon as the first of the three bills was read, Representative Porter moved to refer it to the Committee on Conservation for study during the recess. Before the debate started, several Republican representatives reported that the Republican leadership had "passed the word" to vote for Porter's motion. By no means all of the Republican members, however, were ready to follow the leadership. The recalcitrants were besieged by lobbyists in the corridors -- some by regular, registered and paid lobbyists, some by sportsmen, and some by frightened and angry state employees. Several employees of Cenedella's Division of Law Enforcement buttonholed Representative Johnson of Worcester, a well-informed proponent of reorganization, and claimed that passage of the bills would cost them their jobs. When he pointed out to them that this was not so, they argued that in any event, it might mean that they could be transferred. Johnson angrily retorted that if he were the Director of the Division he would transfer them to China, and stamped back onto the floor of the House. Kenney divided his time between the lobby and the House gallery.

Four Republicans, only one of them a member of the Baby Hoover Commission, spoke forcefully in favor of the Baby Hoover bills, along with two Democratic members of the Commission. The first speakers in opposition were not particularly effective, for they were obviously incompletely informed and merely repeating what their local sportsmen's groups had told them. The program was doomed, however, when Representative Blake, a Democrat and the House chairman of the Conservation Committee, made a vigorous speech in favor of referring all three bills to his Committee. Blake had the respect of the members, especially



as an authority on all matters pertaining to Conservation. It was hardly necessary for several other members of his Committee, of both parties, to follow him to the microphone and echo his appeal.

The vote came up on motion to refer to the Committee on Conservation, and on a standing vote the House was evenly divided, 40 to 40. When the roll was called, however, the appeal of the Committee on Conservation, plus the pressure of Republican leadership on members who had missed the debate, helped to put the opponents of the Baby Hoover Report well into the lead. When the call was half completed, it was obvious that the bills were to be sidetracked and for the rest of the alphabet almost every Representative voted "Aye", including many Democrats from city districts. The final vote of 179 to 52 thus gave an exaggerated picture of the extent of the opposition. Once the Baby Hoover bills were surely defeated, it was easier for all concerned to vote against them, and thus avoid recriminations.

To be sure, there were some recriminations of a very public sort. The Boston Globe and the Springfield Union editorially chastised the legislature for its action. Ironically, this very chastisement -- perhaps, too, a twinge of conscience -- helped to get the next major Baby Hoover Commission Report, on Public Welfare, through the House without opposition two days later.

### Aftermath

At this writing, in the autumn of 1952, the Department of Conservation is still a conglomeration of independent agencies, badly in need of reorganization. By a curious twist of fate, the Committee on Conservation does not have before it either the Phillips bill, Senate 73, or the Baby Hoover proposals. The House resolve referring those measures to the Conservation Committee for study during the



recess, got lost in the shuffle in the rush for adjournment a week later, and never passed the Senate.

If the referral resolve had been adopted, the Baby Hoover Commission would clearly have had to wash its hands of the whole subject of the Conservation Department. However, as no final action was taken, the Baby Hoover Commission still has at least the legal right to report to the 1953 legislature on the same subject, and recommend, if it wishes, exactly the same bills that were side-tracked in 1952. But the question is what the Commission should do, not what it can legally do. Some members have suggested that the Baby Hoover Commission should do nothing. Others have rather vaguely proposed some form of joint action with the Conservation Committee. Some of these go further, and urge a compromise with White and the United Conservationists. O'Brien, feeling that the event justifies his opposition to any attempted compromise, believes that the Commission should simply renew its report and file the same bills, and fight to win without any thought of conciliation. In support of this proposal, he points to Moore's column of June 22, which referred to the "compromise conference." Moore described that conference as an attempted "deal", and said that it "roused party leaders to the scope and legitimacy of the Hoover opposition." In other words, it was a recognition of the opposition's strength, and conversely, a confession of weakness.

Any decision will have to take into account certain legislative changes impending as a result of the 1952 election. Chief of these is the retirement of Representative Blake. Rumors abound that he will succeed Lyman as Commissioner. He is known to oppose the Commission type of control; with respect to the other proposals, he is an unknown factor, and may well want a free hand without legislative interference. He may have been taking the long view, in fact, in



studiously avoiding any official contacts with the Baby Hoover Commission and its staff.

Major questions of policy, therefore, remain to be decided. The issue is not dead. Decisions taken in the past, whether they were right or constituted errors of commission or omission, played an inexorable part in the history of the 1952 legislation. The same type of decision, under altered circumstances, will have to be made again many times over if the effort is renewed. Waldron, Eliot's successor, and the Baby Hoover Commission will have to plan their course of action in the light of the choices made in the past and the results of those choices, both with respect to the substantive content of their report and the strategy and tactics to be employed in the legislative battle.

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Note:- The author of this study is Thomas H. Eliot, who retired from his position as Executive Director of the Massachusetts Baby Hoover Commission on September 15, 1952, to become Professor and Chairman of the Department of Political Science at Washington University, St. Louis. To a considerable degree, Eliot writes in a mood of self-appraisal: "What did I do wrong?" He does so, however, without any tone of apology or appearance of regret, and with the optimistic conviction that reorganization of the Massachusetts Conservation Department is still a very live possibility.

